

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51076 of 2026

Arising Out of PS. Case No.-809 Year-2025 Thana- HARSIDHI District- East Champaran

1. Kala Devi S/o Sunil Sharma Resident of Village - Jagapakar, Bahrapur, P.S. - Harshidhi, District - East Champaran.
2. Sunil Sharma S/o Late Bhuneshwar Sharma Resident of Village - Jagapaka, Bahrapur, P.S. - Harshidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Harshidhi P.S. Case No.809 of 2025 registered for the offences punishable under Sections 80(2), 238(a), 3(5) of the BNS, 2023 and Section 3/4 of the Dowry Prohibition Act.

3. The marriage of the informant's sister was solemnized with the son of the petitioners on 19.04.2022. It is further alleged that on account of the non-fulfilment of the demand for dowry, she was subjected to cruelty and was ultimately done to death at the hands of the accused persons, including the present petitioners, leading to the institution of the



present First Information Report (FIR).

4. Learned Advocate for the petitioners contended that the petitioners are none else but the parents-in-law of the deceased and have been living separately in mess and business, having no concern with the day-to-day affairs of the deceased and her husband. It is further submitted that the deceased was blessed with two children, who are presently residing with the petitioners. It is also contended that the husband of the deceased has already surrendered before the court and has been in judicial custody since 06.01.2026. It is next contended that a bare reading of the First Information Report (FIR) would reveal that the entire allegations primarily revolve around the husband of the deceased, whereas only general and omnibus allegations have been levelled against the present petitioners. It is further submitted that during the course of investigation, no cogent material has surfaced indicating the involvement of the petitioners in the alleged occurrence. Moreover, the petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the deceased died under unnatural circumstances within seven years of her marriage and soon before her death, she was subjected to a demand for dowry and, therefore, the offence squarely attracts



the presumption of dowry death. As such, the possibility of a dowry death cannot be ruled out at this stage.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the petitioners are the parents-in-law of the deceased and have been residing separately, coupled with the fact that the First Information Report (FIR) primarily attributes specific allegations against the husband of the deceased, who is already in judicial custody, besides the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harshidhi P.S. Case No.809 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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